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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,996	01/13/2004	Peter M. Bonutti	780-A03-021-5 1472	
33771 PAUL D. BIAN	7590 01/07/2008 NCO: FLEIT, KAIN, GI	EXAMINER		
GUTMAN, BC	NGINI, & BIANCO P.I	HOFFMAN, MARY C		
21355 EAST D SUITE 115	IXIE HIGHWAY	· ART UNIT	PAPER NUMBER	
MIAMI, FL 33	180	3733		
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			MAIL DATE	DELIVERY MODE
			01/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)
Advisory Action	10/755,996	BONUTTI, PETER M.
Before the Filing of an Appeal Brief	Examiner	Art Unit
	Mary Hoffman	3733
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence address
THE REPLY FILED <u>10 December 2007</u> FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff stice of Appeal (with appeal fee) in o ce with 37 CFR 1.114. The reply mo	idavit, or other evidence, which compliance with 37 CFR 41.31; or (3)
a) The period for reply expires 3 months from the mailing date		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I	ater than SIX MONTHS from the mailing	g date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7		E FIRST REPLY WAS FILED WITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date nave been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropriate extension fee inally set in the final Office action; or (2) as
2. The Notice of Appeal was filed on A brief in comp	pliance with 37 CFR 41.37 must be	filed within two months of the date of
filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed AMENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the appeal. Since
3. X The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief.	will not be entered because
(a) They raise new issues that would require further co		
(b) They raise the issue of new matter (see NOTE below		·
(c) They are not deemed to place the application in be appeal; and/or	tter form for appeal by materially re	ducing or simplifying the issues for
(d) They present additional claims without canceling a	corresponding number of finally rej	ected claims.
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1	-	
4. The amendments are not in compliance with 37 CFR 1.1		ompliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s)		·
 Newly proposed or amended claim(s) would be a non-allowable claim(s). 		timely filed amendment canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:		ll be entered and an explanation of
Claim(s) allowed: Claim(s) objected to:		
Claim(s) objected to: Claim(s) rejected: 1,4-10,13,15,19,21,22,25-32 and 34-4	<u>o</u> .	
Claim(s) withdrawn from consideration:	_	
AFFIDAVIT OR OTHER EVIDENCE		
 The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 	ut before or on the date of filing a N id sufficient reasons why the affidat	otice of Appeal will <u>not</u> be entered vit or other evidence is necessary and
The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to the second of the se		

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10. 🔲 The	affidavit or other evidence is entered	 An explanation of the stat 	us of the claims after ent	ry is below or attached.
REQUEST	FOR RECONSIDERATION/OTHER		•	
11. 🗌 The	request for reconsideration has bee	n considered but does NOT	place the application in	condition for allowance because:

showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). ______13. Other: _____.

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Continuation of 3. NOTE: New independent claim 41 has not yet been examined.